

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**MAC East, LLC,  
an Alabama Limited Liability  
Corporation,**

**PLAINTIFF,**

**vs.**

**CASE NO. 2:05-cv-1038-MEF**

**SHONEY'S LLC.,  
a Tennessee limited  
liability company,**

**DEFENDANT.**

**NOTICE CONCERNING SETTLEMENT CONFERENCE  
AND MEDIATION**

Comes now the Plaintiff and pursuant to Section 3 of the Scheduling Order [Doc. 6], hereby gives notice that on May 3, 2006, counsel for the parties conducted face-to-face settlement discussions. Counsel also discussed whether mediation would be of assistance. Plaintiff hereby gives notice that the parties were unable to reach a settlement of the matter and that they do not believe mediation would be fruitful at this time.

/s/ Dennis R. Bailey  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing through the ECMF system which will serve a copy of the foregoing document upon the following counsel of record on this the 8th day of May 2006.

Mr. James N. Nolan

Mr. Paul O. Woodall, Jr.

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/s/ Dennis R. Bailey

Of counsel